

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CARLOS L. DIAZ, *pro se*, in his personal
capacity and in and for the Estate
of Edmundo B. Diaz as brother and personal
representative of the Estate,

Plaintiff,

vs.

Civ. No. 14-1086 KG/SCY

MR. GARY KING, et al.,

Defendants.

ORDER TO SHOW CAUSE

This matter comes before the Court *sua sponte*. Federal Rule of Civil Procedure 4(m)¹
provides, in part,:


If a defendant is not served within 120 days after the complaint is filed, the court-on motion
or on its own after notice to the plaintiff-must dismiss the action without prejudice against
that defendant or order that service be made within a specified time. But if the plaintiff
shows good cause for the failure, the court must extend the time for service for an appropriate
period.

A summons was issued as to Jaime Baca on December 29, 2014, and an alias summons was issued as
to Jaime Baca on February 10, 2015. The record, however, reflects that Plaintiff has not served
process on Jaime Baca as required by Rule 4(m).

In order to avoid dismissal without prejudice of this action against Jaime Baca, Plaintiff must,
within twenty days of the date of entry of this Order to Show Cause, either effect service on Jaime
Baca or show good cause why service cannot be effected within that time.

¹ This is the Rule in effect at the time Plaintiff filed his complaint and amended complaint in
2014. (Docs. 1 and 14). Rule 4(m) was recently amended effective December 1, 2015.

IT IS, THEREFORE, ORDERED that within twenty days of the entry of this Order to Show Cause Plaintiff must perfect service of process on Jaime Baca, or show good cause why service has not been perfected on Jaime Baca and why this cause should not be dismissed without prejudice.



UNITED STATES DISTRICT JUDGE